

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: **Kenneth W. Noland**  
                  **Raymond Rudolph Spivey** ) Group Art Unit: **3653**  
Serial No:     **09/757,714** )  
Confirmation No. : **7148** )  
Filed:           **January 9, 2001** )  
For:     **CARTON WITH AN IMPROVED)**  
          **DISPENSING FEATURE**     )

80  
3/27/03  
Declar  
# 18

**DECLARATION UNDER 37 CFR § 1.131**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Raymond Rudolph Spivey, residing at 475 Ivey Court, Mableton, Georgia, USA, 30126, declare as follows:

1. I am the named inventor on the above-identified patent application ("the Patent Application"). I believe that I am the true and sole inventor of the subject matter disclosed and claimed in the Patent Application.
2. I am employed by Riverwood International Corporation ("Riverwood"), the assignee of the Patent Application, as a structural designer. In my capacity as a structural designer, I develop, design and make, either solely or with others, new cartons for containing products such as beverage containers. I have been a carton structural designer for at least ten (10) years, and have developed new carton designs which are patented in the United States.

3. Prior to December 12, 2000, I conceived, designed, developed and made my invention as described and claimed in the Patent Application. I reduced to practice this invention by making the invention and using it to hold beverage containers, as evidenced by the following facts:

- a. Prior to December 12, 2000, I was instructed by Riverwood personnel to develop and make some new carton designs.
- b. In response to this instruction to develop new cartons, I conceived, among other designs, the carton blanks and cartons to be made therefrom, shown in the drawing figures of the Patent Application and described in that application, prior to December 12, 2000.
- c. In accordance with the internal policies of Riverwood, I prepared an Invention Disclosure form prior to December 12, 2000, for these new carton designs described and claimed in the Patent Application. A copy of this Invention Disclosure is attached hereto as Exhibit A. The dates on page 4 of Exhibit A, which were all prior to December 12, 2000, have been redacted.
- d. The Invention Disclosure of Exhibit A, including all photographs attached to it ("diagrams" #1 through #9), were submitted by me to Riverwood prior to December 12, 2000. The photographs of Exhibit A show the cartons described and claimed in the Patent Application, which cartons were made at Riverwood and used to hold beverage containers prior to December 12, 2000. ✕

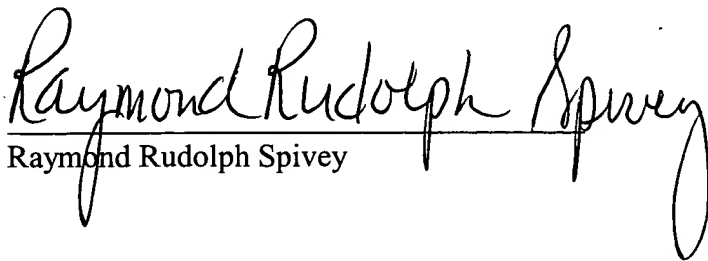
- e. As also shown in these photographs, which were taken prior to December 12, 2000, I constructed cartons from the carton blanks of my designs, and placed two rows of beverage containers (or cans) into these cartons. The ends of the cartons were torn along the score lines to form a dispenser, as shown in photographs (diagrams) #4 through #8 of Exhibit A. The beverage can at the end of the bottom row was prevented from accidentally rolling out of the carton, and the cans could be and were easily removed from the carton one at a time through the dispenser opening. This showed that my new carton design worked successfully for its intended purpose prior to December 12, 2000.
- f. Each of the cartons shown in the photographs, which were manufactured from the carton blanks prior to December 12, 2000, was an enclosed carton for carrying a plurality of cylindrical containers in two rows, with a top and a bottom row, the carton having two ends, a bottom panel, top panel and foldably attached adjoining side panels. Some of the cartons had one exiting end and some had two exiting ends, both ends of the carton being closed. Each exiting end had a bottom end flap with a height that was less than the diameter of a container to be contained in the bottom row and which was attached by a fold line to the bottom panel, a top end flap foldably attached to the top panel, a side end flap foldably attached to each side panel, and the flaps attached together by glue to close the exiting end of the carton, as well as a tear line for forming a container dispenser opening. The tear line extended through the top panel generally parallel to

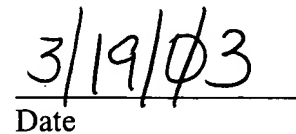
the exiting end at a distance spaced from the exiting end and extended at an angle through each side panel towards the exiting end to the attachment of said side panel with a side end flap at a distance greater from the top panel than the bottom panel, with a fold line extending through each side end flap at a distance from the bottom panel approximately equal to the height of the bottom end flap, so that when the tear line is torn, a dispenser opening is formed for dispensing the containers, so that the bottom end flap and a portion of each side end flap adjacent to the bottom end flap remain attached to the carton to provide structural integrity to the carton. In each of the cartons, the tear line in the top panel extended away from the exiting end for a portion of its extension across the top panel to form a finger flap foldably attached to the dispenser to facilitate commencing opening the dispenser in the top panel between the first and second containers from the exiting end.

- g. The photographs of Exhibit A are of two of these cartons, all made from the carton blanks prior to December 12, 2000, one having a dispenser (exiting end) at only one end (photographs or diagrams #s 2, 3, 4, 6, 8 and 9), and one with a dispenser at both ends (photographs or diagrams #s 1, 5 and 7).

- 4. These facts show that I conceived and made the carton blanks, constructed the carton blanks into cartons and used the cartons to hold and to dispense beverage containers, as described and claimed in the Patent Application, all prior to December 12, 2000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Raymond Rudolph Spivey

  
Date

## INVENTION DISCLOSURE

RIVERWOOD  
INTERNATIONAL

FOR LEGAL DEPT. USE ONLY

I.D. NUMBER 31- \_\_\_\_\_

## INSTRUCTIONS:

1. Complete fully IN DUPLICATE.
2. Use additional SIGNED sheets where necessary.
3. Sign FULL names; have signatures WITNESSED.
4. Send BOTH COPIES to Legal Department, Atlanta Corporate Office

ASSIGNED TO: \_\_\_\_\_

NAMES(S) OF INVENTOR(S) (FULL FIRST, MIDDLE, LAST NAMES)

1	FULL NAME	CITIZEN OF
	Raymond Rudolph Spivey Sr.	United States
	RIVERWOOD INTERNATIONAL LOCATION	SUPERVISOR
	PMD Product Development Center	Richard Schuster
	RESIDENCE ADDRESS (STREET NO., CITY, COUNTY, STATE, COUNTRY, ZIP OR POSTAL CODE)	
	475 Ivey Court Mableton, Ga. 30126	
2	FULL NAME	CITIZEN OF
	RIVERWOOD INTERNATIONAL LOCATION	SUPERVISOR
	RESIDENCE ADDRESS (STREET NO., CITY, COUNTY, STATE, COUNTRY, ZIP OR POSTAL CODE)	
3	FULL NAME	CITIZEN OF
	RIVERWOOD INTERNATIONAL LOCATION	SUPERVISOR
	RESIDENCE ADDRESS (STREET NO., CITY, COUNTY, STATE, COUNTRY, ZIP OR POSTAL CODE)	
4	FULL NAME	CITIZEN OF
	RIVERWOOD INTERNATIONAL LOCATION	SUPERVISOR
	RESIDENCE ADDRESS (STREET NO., CITY, COUNTY, STATE, COUNTRY, ZIP OR POSTAL CODE)	

FIELD OF INVENTION (NAME BOTH THE BROAD FIELD AND THE PARTICULAR APPLICATION. INDICATE LIMITS OF THE FIELD WHENEVER POSSIBLE. BRIEF EXAMPLE: "THIS INVENTION RELATES TO A PIPE JOINT ESPECIALLY USEFUL WITH PLASTIC PIPE.")

This invention is designed primarily for the paperboard beverage packaging industry. Said invention is a folding carton designed for machine set-up capability.

RIVERWOOD INTERNATIONAL DIVISION

North American Beverage Operations

TRADE DESIGNATION OF PRODUCT ASSOCIATED WITH THIS INVENTION:

beverage Industry

MARKET MANAGER OF SUCH PRODUCT:

IDENTIFY RESEARCH, ENGINEERING OR OTHER PROJECTS ASSOCIATED WITH INVENTION:

NOTEBOOKS, RESEARCH REPORTS OR OTHER REFERENCE TO DATA ABOUT INVENTION:

Specification #'s 404741RR 404741RS 404742RR 404742RS

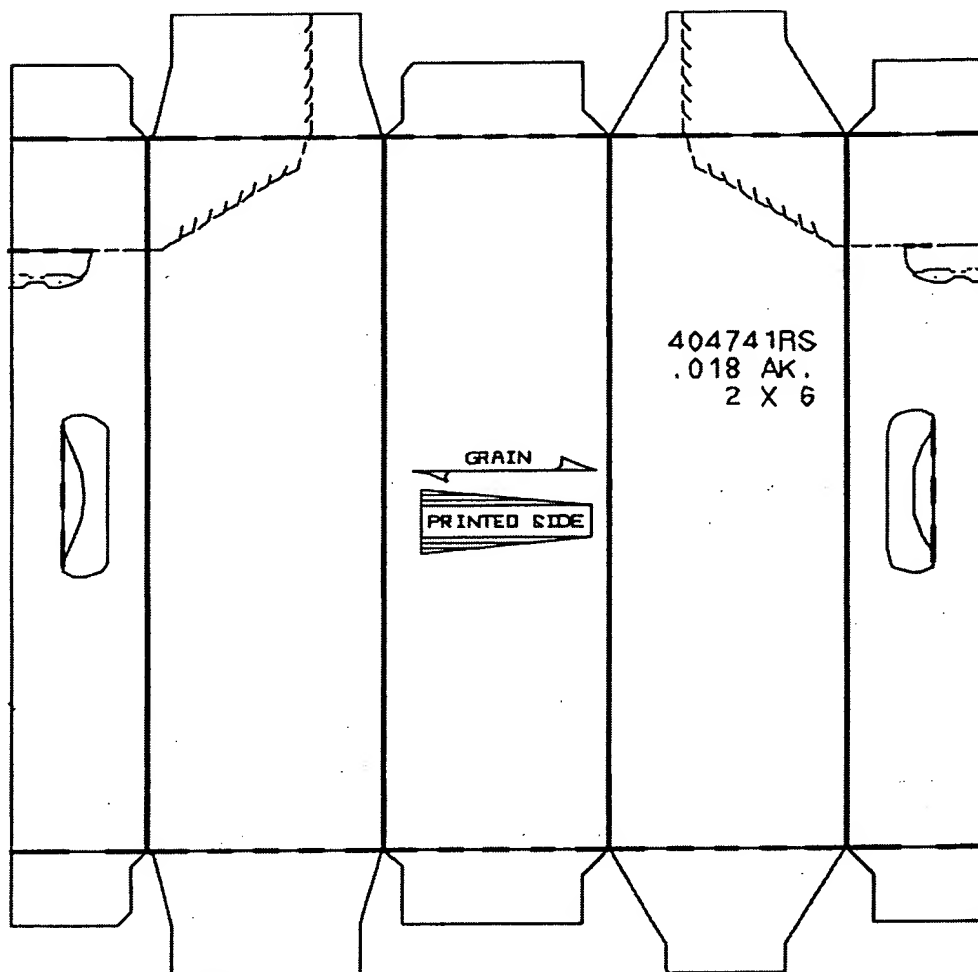
EXHIBIT

A

DRAWING

(Draw, Paste , or otherwise attach here sketches or drawings illustrating the invention. Blueprint type sketches are usually not sufficient - - pictorial sketches are preferred. With most products and apparatus more than one view is necessary for complete illustration. Processes should be illustrated schematically and compositions should be illustrated graphically where possible.)

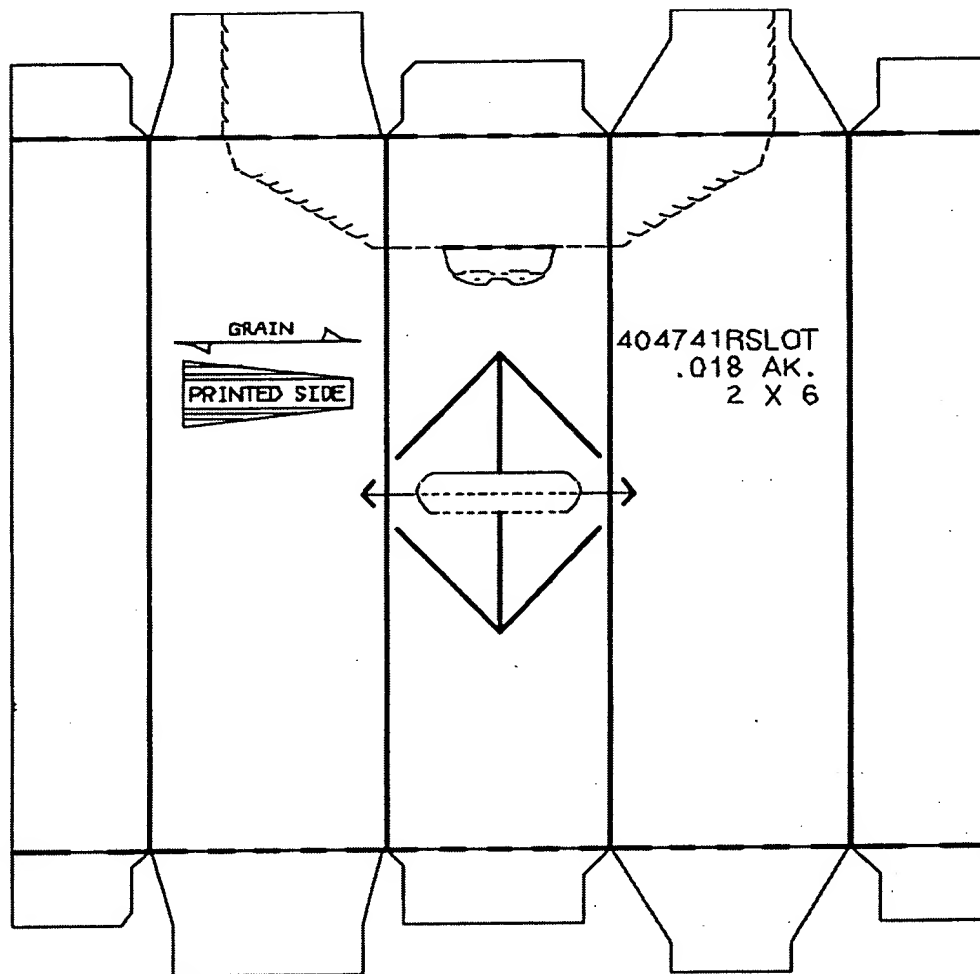
Single end 2 x 6 dispensing invention with racetrack handle.  
404741RS



DRAWING

(Draw, Paste , or otherwise attach here sketches or drawings illustrating the invention. Blueprint type sketches are usually not sufficient -- pictorial sketches are preferred. With most products and apparatus more than one view is necessary for complete illustration. Processes should be illustrated schematically and compositions should be illustrated graphically where possible.)

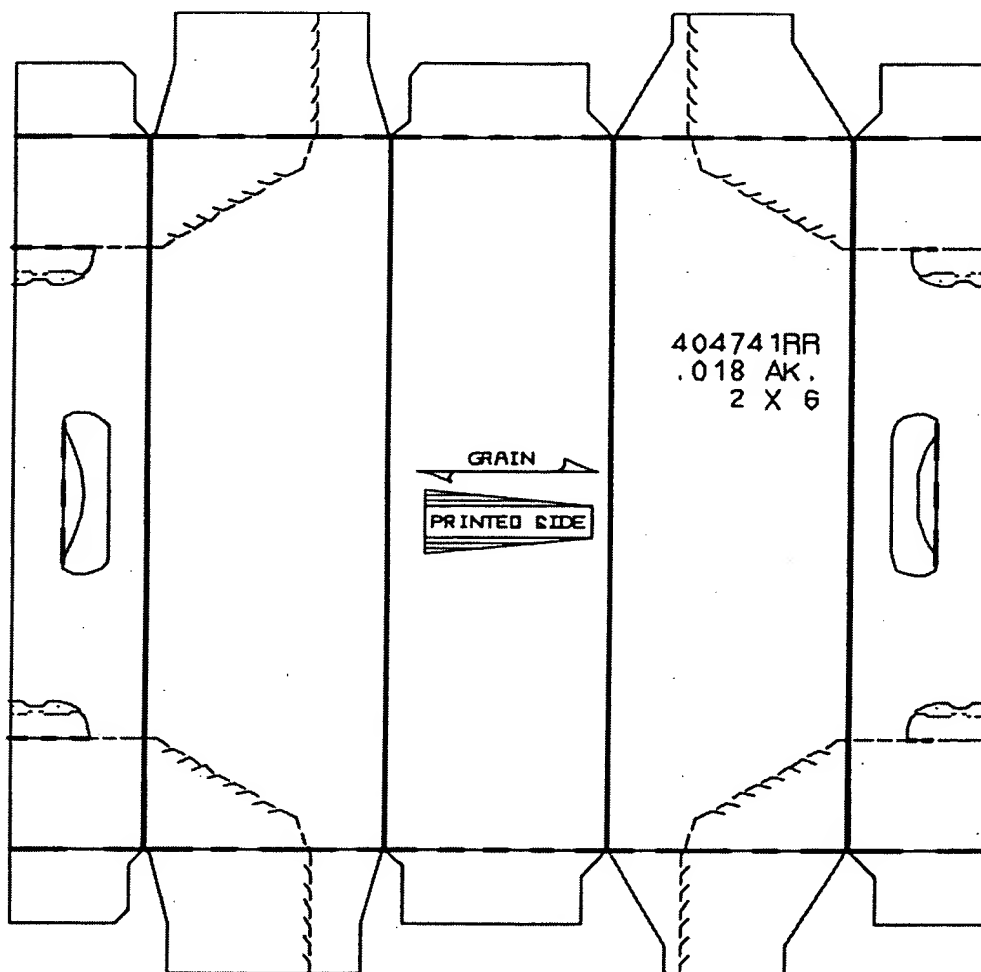
Single end dispensing invention with slot handle.  
404741RSLOT



DRAWING

(Draw, Paste , or otherwise attach here sketches or drawings illustrating the invention. Blueprint type sketches are usually not sufficient -- pictorial sketches are preferred. With most products and apparatus more than one view is necessary for complete illustration. Processes should be illustrated schematically and compositions should be illustrated graphically where possible.)

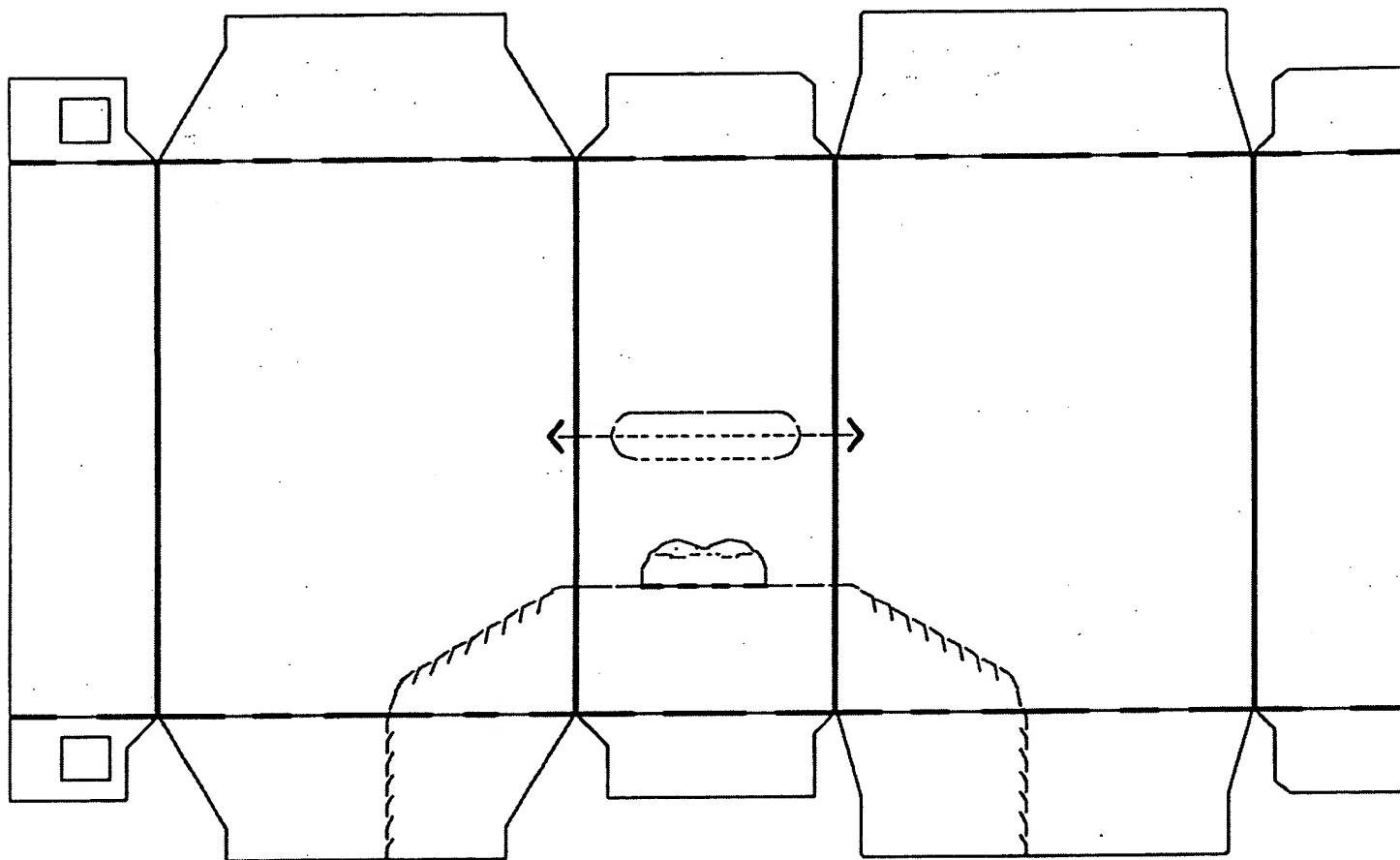
Dual end 2 x 6 dispensing invention with racetrak handle.  
404741RR



DRAWING

(Draw, Paste , or otherwise attach here sketches or drawings illustrating the invention. Blueprint type sketches are usually not sufficient - - pictorial sketches are preferred. With most products and apparatus more than one view is necessary for complete illustration. Processes should be illustrated schematically and compositions should be illustrated graphically where possible.)

Single end 3 x 4 dispensing invention with slot handle.  
404742RS



#### DETAILED DESCRIPTION OF INVENTION

(Describe the invention so that so that it may be understood by a person moderately skilled in the field. If drawings are supplied, refer to portions of the drawings by numerals (which should also appear on the drawing.) If the invention might exist in more than one version or embodiment, describe the principal alternatives.)

This invention is a fully enclosed paperboard carrier that has a unique opening/dispensing feature. These unique features allow the containers (bottles or cans) to be removed or dispensed from the carrier without destroying the overall package integrity. Said invention, when properly opened can be placed in a refrigeration unit and serve as an excellent, disposable dispensing unit.

The opening feature also serves as a safety net for the first container that is automatically dispensed when the invention is opened (see diagram # 5). Another feature of this invention is that by completely removing the opening area and placing it under the opposite end of the package, enough elevation is created to ensure that each container will automatically move to the front or dispensing end of said invention (see diagram #6 & #7).

This invention allows for dual or single end dispensing. Said invention can also be carried and easily moved from one location to another even after it has been opened without displacing the remaining containers.

Each of the undersigned has been informed regarding the invention as described in this invention disclosure, understands the invention, has read this invention disclosure and either has has seen the inventor(s) sign this invention disclosure or is familiar with the signature of the inventor (s) and recognizes the same as (his) (their) signatures.

Signature(s) of the Inventor or Inventors

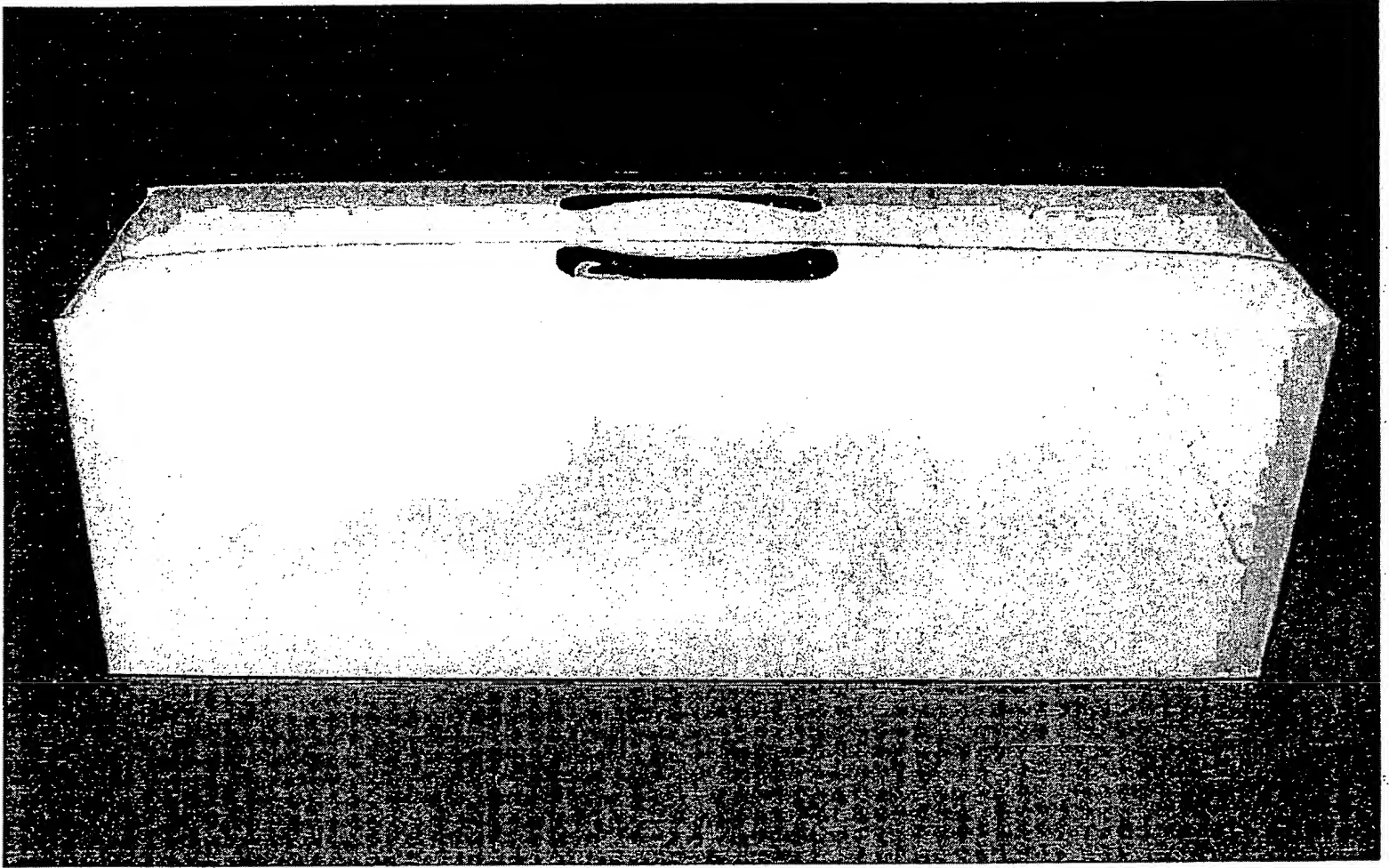
Date

Date

*Raymond R. Spivey Jr.*

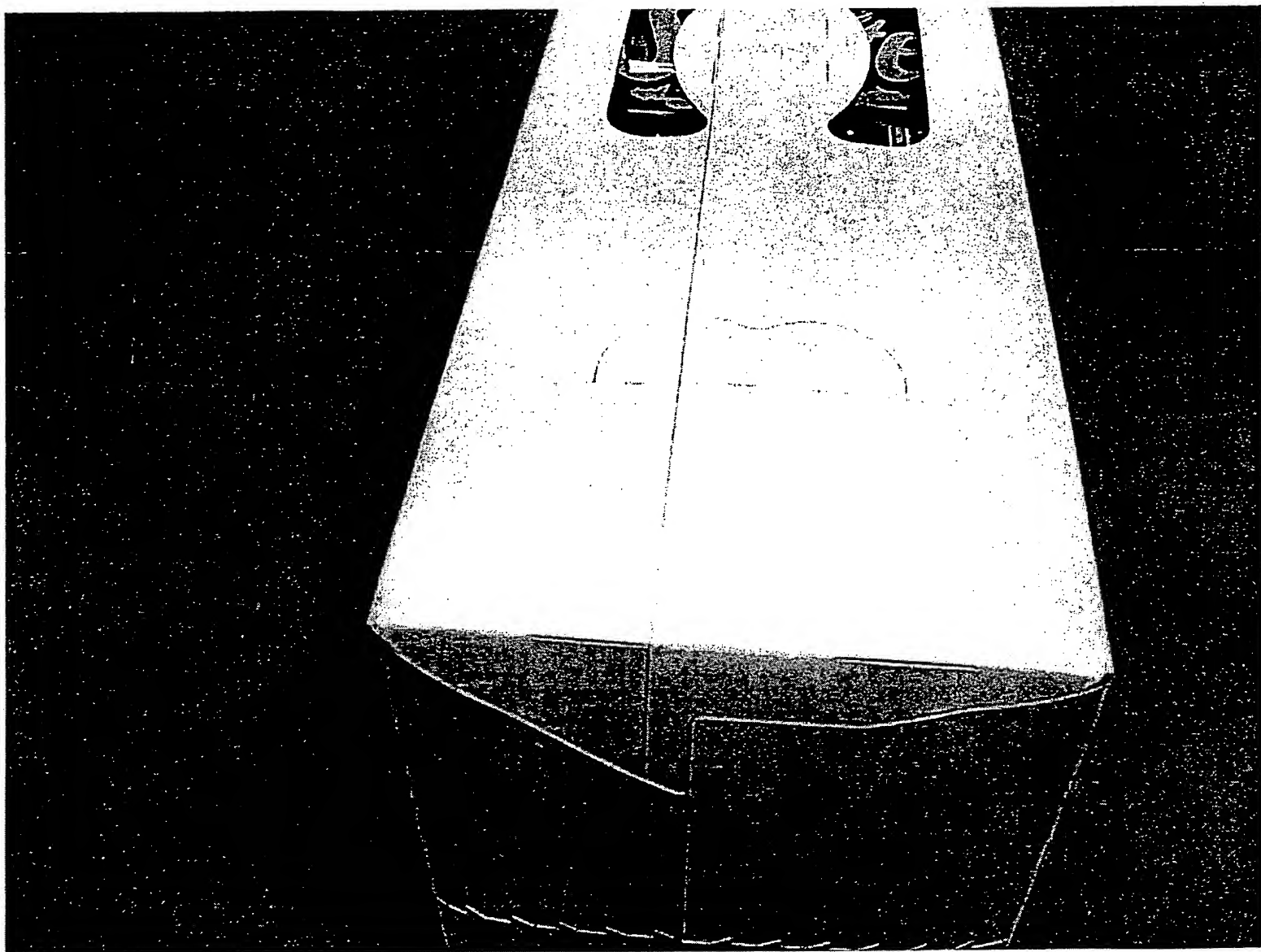
*Robert L. Spivey*

diagram #1



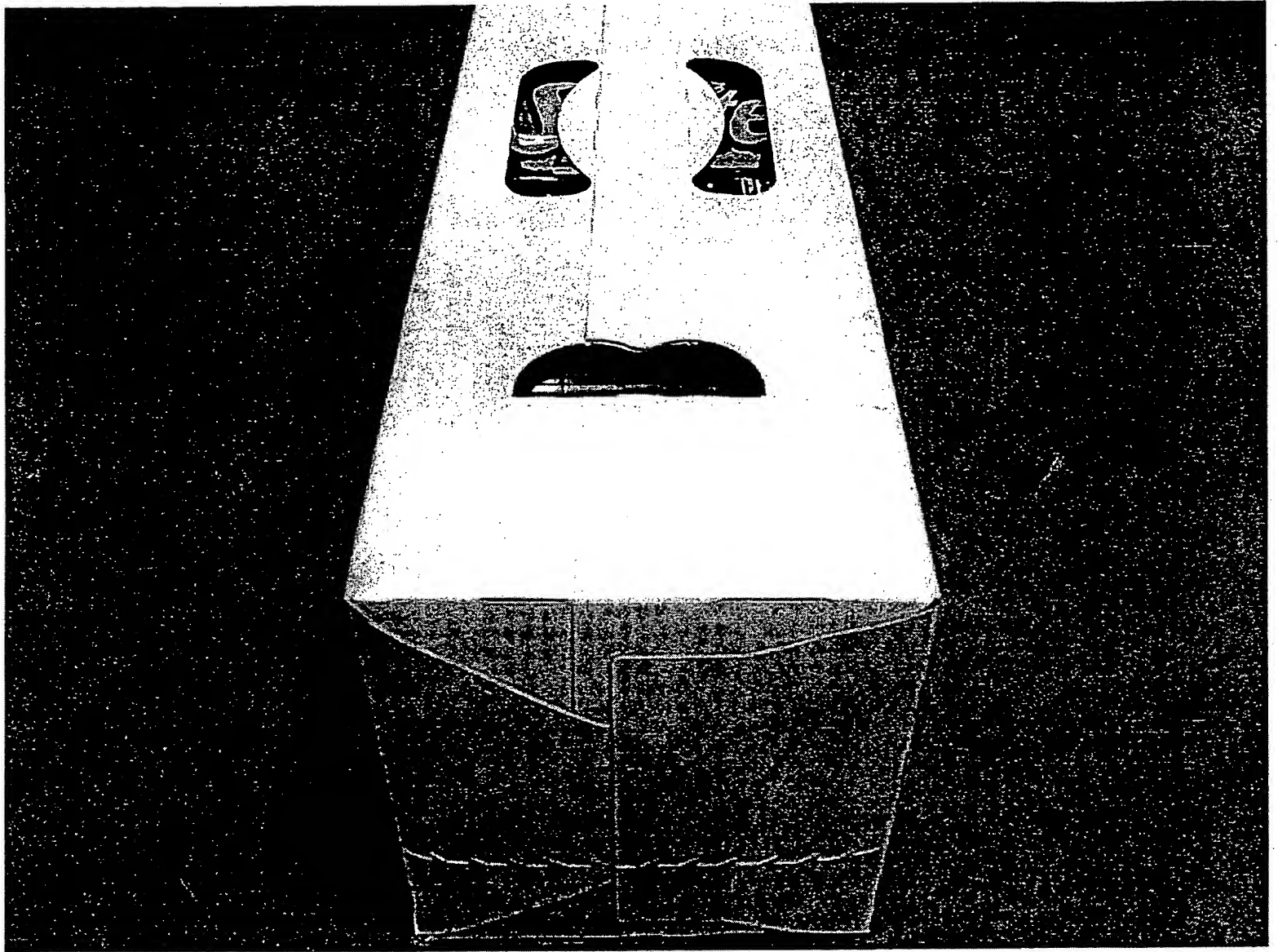
404741RR - B

diagram #2



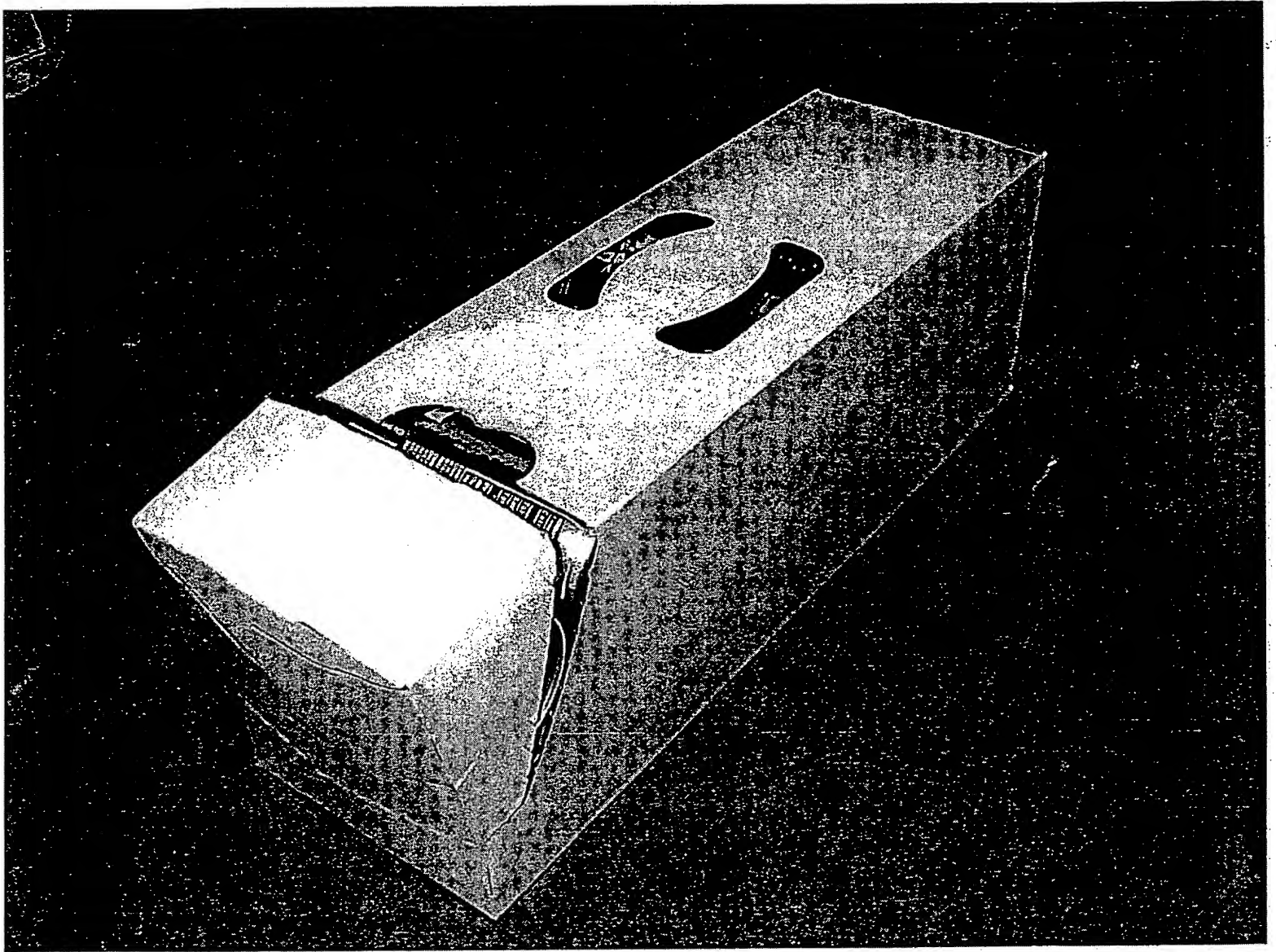
404741RS\_A

diagram #3



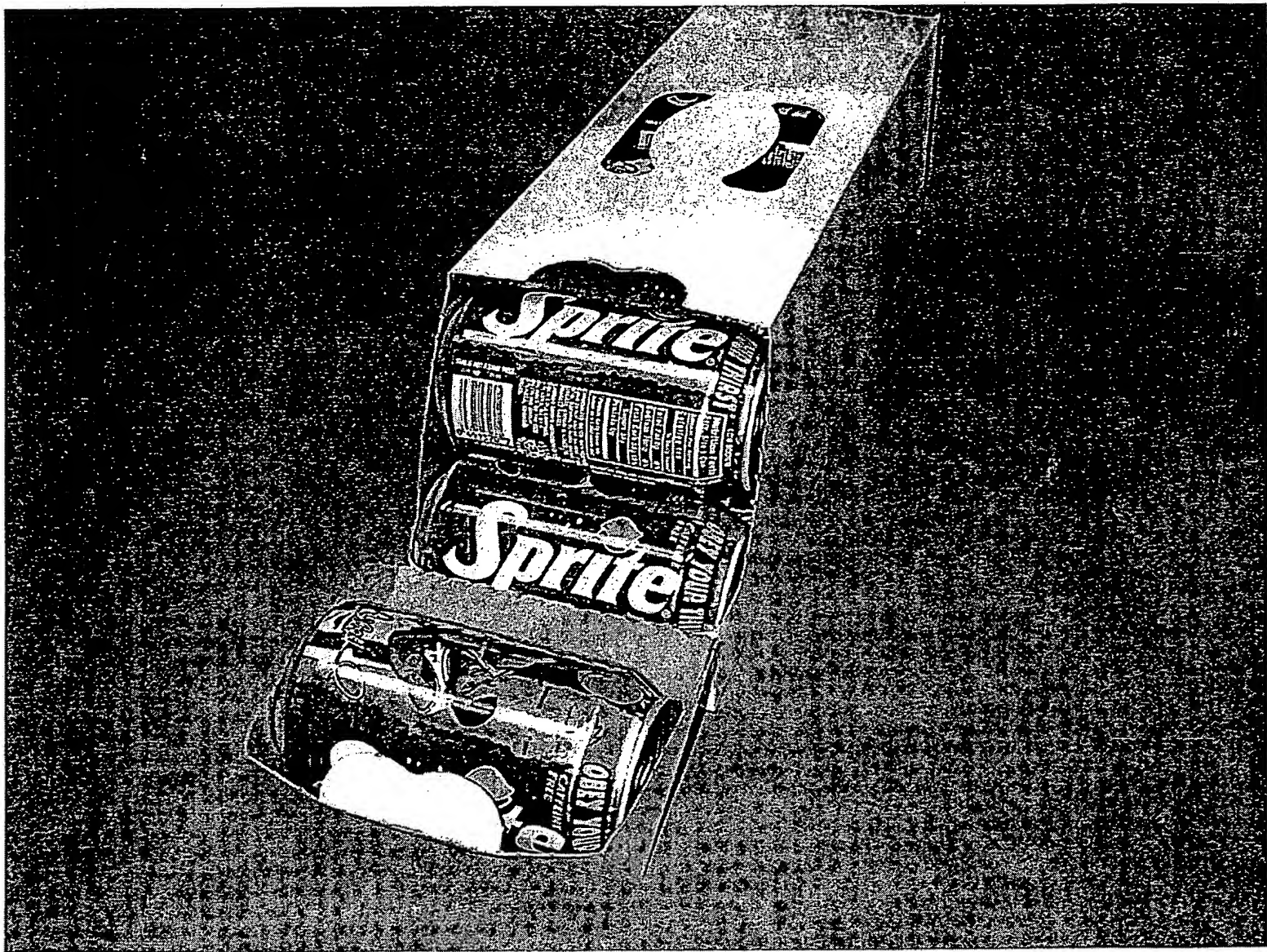
404741RS-B

diagram #4



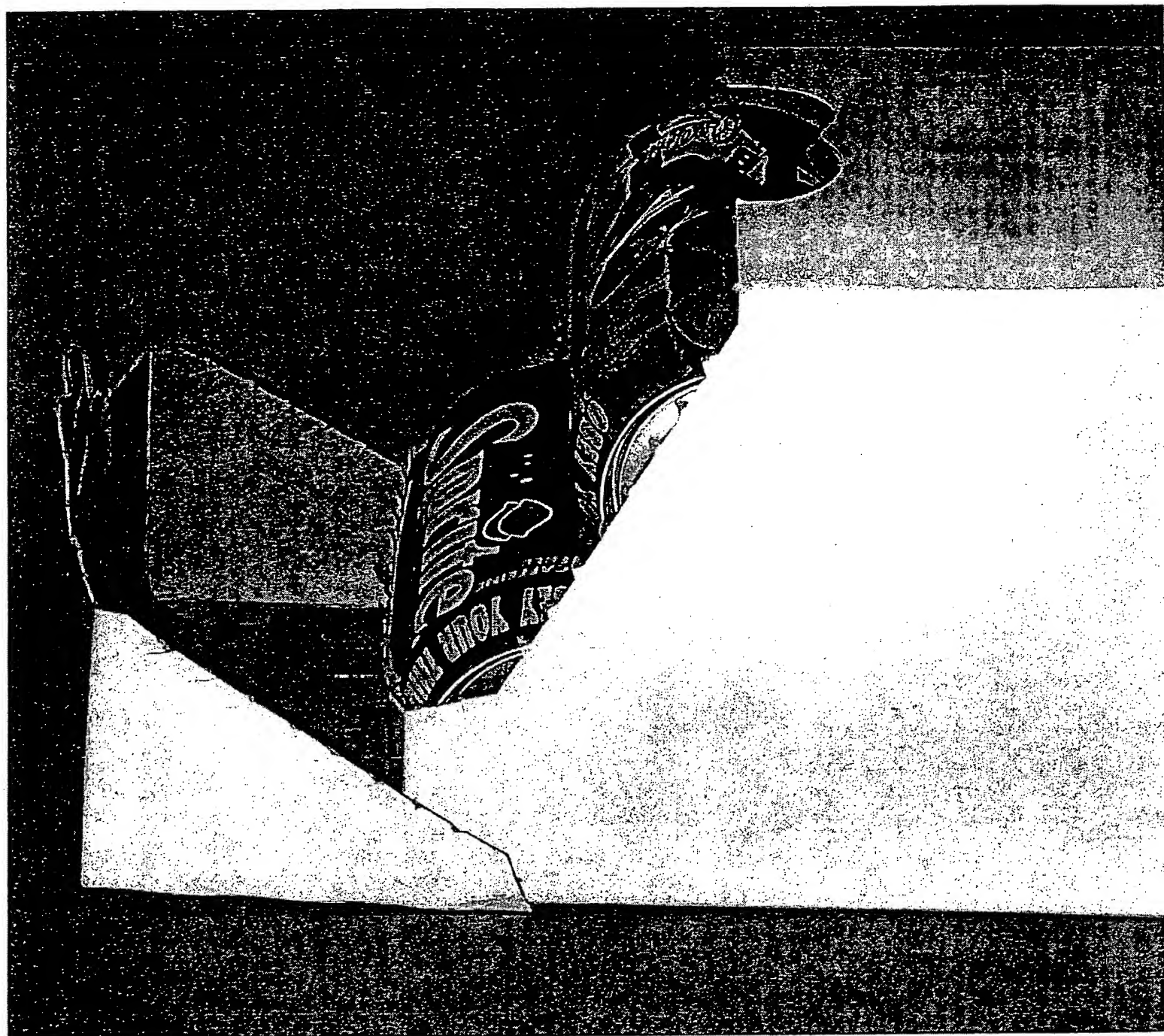
404741RS-C

agram #5



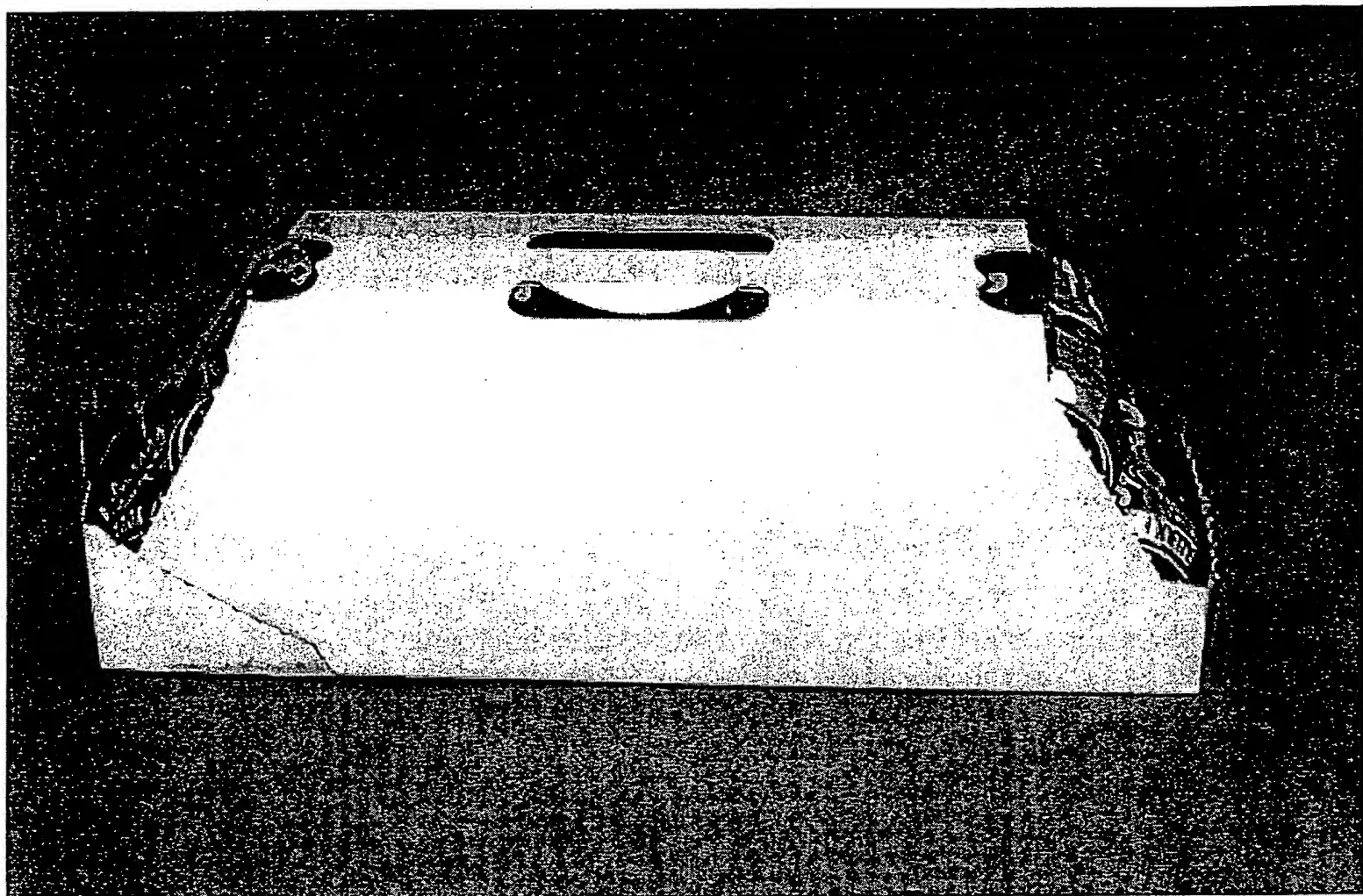
404741RR - C

gram #6



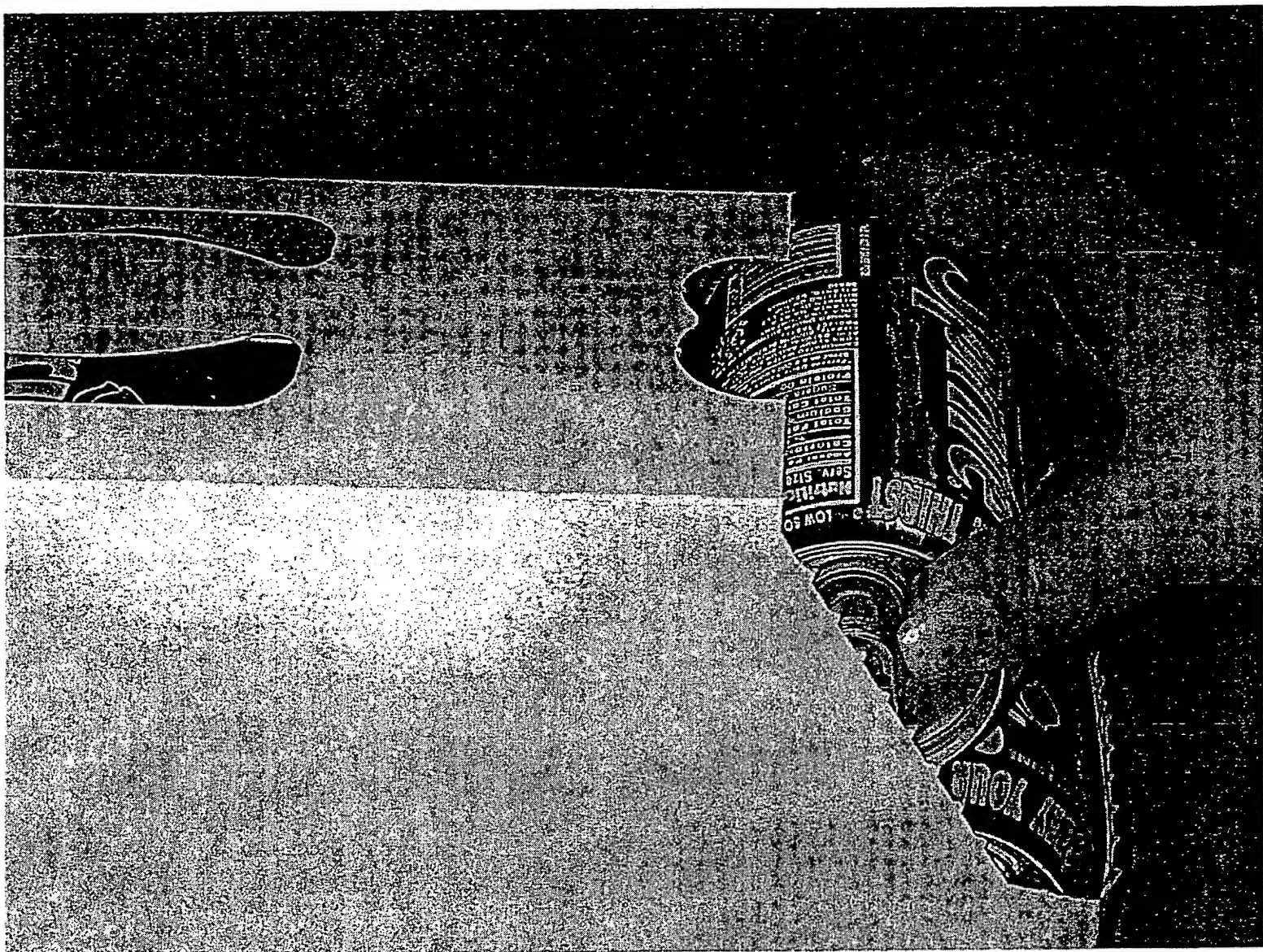
404741RS\_F

Diagram #7



404771RR - C

Cogram #8



404741RS — Hand 2

Diagram #9



404741RS - Hand

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:-

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☒ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**